

FILED ELECTRONICALLY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK IMPERATORE AND DAUN
IMPERATORE,

Plaintiffs,

v.

LEONARD Y. LEE, M.D., RICHARD
CARTLEDGE, M.D., ADVANCED CANNULA, INC.,
WEILL MEDICAL COLLEGE OF
CORNELL UNIVERSITY, NEW YORK
PRESBYTERIAN HOSPITAL,

Defendants.

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NOTICE OF MOTION

Civil Action No.
04 CV 8921 (SWK)

PLEASE TAKE NOTICE that on May 23, 2005, at the United States District Court for the Southern District of New York, United States Courthouse, 40 Centre Street, New York, New York, Courtroom 9006, defendant Cornell University, named here as Weill Medical College of Cornell University ("WMC"), will move pursuant to Rules 12(b)(6) of the Federal Rules of Civil Procedure for an order dismissing Count Ten of the complaint, the only claim against WMC, and directing the entry of judgment as a matter of law in favor of WMC.

This motion is made pursuant to Rules 12(b)(6) on the ground the complaint fails to state a legally cognizable claim for against WMC. The motion is based on the

Complaint in this action, annexed hereto as Exhibit A, and the arguments contained in the Memorandum of Law submitted on behalf of WMC.

Dated: New York, New York
April 29, 2005

_____/s/James R. Kahn
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